

Message Text

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ACTION EUR-12

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AMCONSUL STUTTGART

C O N F I D E N T I A L SECTION 01 OF 04 BONN 18334

E.O. 11652: GDS

TAGS: PFOR PGOV EEC WB GW US UK FR

SUBJECT: BERLIN AND DIRECT ELECTIONS TO THE
EUROPEAN PARLIAMENT

REFS: (A) EC BRUSSELS 10054; (B) BONN 17878;

(C) EC BRUSSELS 9621; (D) STATE 219617;

(E) BONN 13788

BEGIN SUMMARY. THE FRG HAS ASKED THE THREE ALLIED POWERS
TO ENTER INTO "INFORMAL CONSULTATIONS" IN THE BONN GROUP
ON THE QUESTION OF WHETHER BERLINERS MAY PARTICIPATE IN
DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT. INSTEAD OF
PROVIDING AN FRG RECOMMENDATION FOR ALLIED CONSIDERA-
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TION, THE FRG HAS EXPRESSED THE DESIRE TO GIVE BERLINERS

AS FULL REPRESENTATION AS POSSIBLE CONSONANT WITH ALLIED RIGHTS AND RESPONSIBILITIES, THUS APPEARING TO SHIFT THE BURDEN OF DECISION TO THE ALLIES. THE ISSUE IS A LOADED ONE FOR NEXT YEAR'S ELECTION CAMPAIGN, AND THE FRG REP HAS STRESSED BOTH THE CONFIDENTIALITY OF THE "INFORMAL" APPROACH AND THE NEED FOR URGENT DECISIONS.

WE CONSIDER THAT THE SOVIETS WILL PROTEST BERLIN REPRESENTATION IN THE EUROPEAN PARLIAMENT REGARDLESS OF HOW THE REPRESENTATIVES ARE CHOSEN, AND THAT THE HEART OF THEIR PROTEST WILL BE THAT ALL TIES BETWEEN BERLIN AND THE EC ARE ILLEGAL. IN SEEKING TO FIND AN ANSWER TO THE FRG QUESTION, WE START WITH THE DUAL ASSUMPTION THAT NONE OF THE THREE ALLIES PLANS TO RETREAT FROM THE POSITION THAT THE EXTENSION OF THE EC TREATIES TO BERLIN IN 1957 WAS PROPER AND THAT, SINCE BERLINERS ALREADY PARTICIPATE IN THE FRG DELEGATION TO THE EUROPEAN PARLIAMENT, A WAY WILL HAVE TO BE FOUND FOR SOME FORM OF REPRESENTATION TO CONTINUE. THE ISSUE BECOMES ONE OF FINDING THE FORM MOST CONSISTENT WITH ALLIED INTERESTS IN AND RESPONSIBILITIES FOR BERLIN. TRIPARTITE CONSIDERATION OF THE ISSUE WILL TAKE PLACE NOVEMBER 10, WITH THE FIRST ROUND OF QUADRIPARTITE CONSULTATIONS SCHEDULED FOR NOVEMBER 12. END SUMMARY.

1. AT NOVEMBER 7 BONN GROUP MEETING, FRG REP (LUECKING) INTRODUCED, UNDER INSTRUCTIONS, THE QUESTION OF BERLIN AND DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT AND REQUESTED INFORMAL CONSULTATIONS WITH THE ALLIES AS SOON AS POSSIBLE. IN INTRODUCING THE TOPIC, LUECKING RECALLED THAT THE ALLIED REPS HAD ASKED SEVERAL TIMES FOR FRG VIEWS ON THE SUBJECT AND NOTED THAT IT WAS A VERY DIFFICULT POLITICAL QUESTION. HE ASKED AT THE OUTSET THAT THE ALLIES BEAR IN MIND THAT, ON THE GERMAN SIDE, THE MATTER CONCERNED NOT ONLY THE EXECUTIVE BRANCH (MEANING THE FRG GOVERNMENT AND THE BERLIN SENAT) BUT ALSO THE LEGISLATIVE BRANCH (THE BUNDESTAG AND THE BERLIN HOUSE OF REPRESENTATIVES). LUECKING THEN READ THE FOLLOWING CAREFULLY WORDED STATEMENT:

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2. BEGIN TEXT. AFTER REPEATED DISCUSSION BY THE COMPETENT GERMAN AUTHORITIES, ONE HAS COME TO THE CONCLUSION THAT IT WOULD BE IN THE BEST INTEREST NOT ONLY OF THE FEDERAL GOVERNMENT BUT ALSO OF THE THREE POWERS IF THE GERMAN SIDE DOES NOT CONFRONT THE ALLIES WITH A POSITION WHICH AS FAR AS THE GERMAN SIDE IS CONCERNED IS CONSIDERED TO BE FINAL. THEREFORE, I HAVE BEEN ASKED AS A FIRST STEP TO ENTER INTO AN INFORMAL

EXCHANGE OF VIEWS ON THIS WELL-KNOWN PROBLEM, TO GAIN A
FIRST IMPRESSION OF THE ATTITUDE OF THE THREE POWERS.

I THINK IT NEEDS NO FURTHER ELABORATION THAT THE GERMAN
SIDE IS INTERESTED IN BERLIN BEING TREATED EQUALLY AS
FAR AS THAT IS POSSIBLE. WE ARE, OF COURSE, AWARE OF

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THE FACTORS WHICH MAY STAND IN THE WAY OF BERLIN'S
RECEIVING EQUAL TREATMENT IN FULL. THE POLITICALLY
DECISIVE QUESTION IS WHETHER THE DEPUTIES FOR THE

EUROPEAN PARLIAMENT COMING FROM BERLIN ARE TO BE ELECTED IN BERLIN BY UNIVERSAL SUFFRAGE OR WHETHER THEY SHOULD BE DELEGATED. ONE HAS TO TAKE ACCOUNT OF THE FACT THAT THE ELECTION PROCEDURE WILL, AT LEAST FOR THE FORESEEABLE FUTURE, BE REGULATED BY NATIONAL LEGISLATION FOR EACH MEMBER COUNTRY AND THAT ONLY AT A LATER POINT IS A UNIFORM PROCEDURE TO BE WORKED OUT.

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IN TAKING ITS DECISION ON THE ELECTION PROCEDURE OF THE BERLIN DEPUTIES TO THE EUROPEAN PARLIAMENT, THE GERMAN SIDE HAS TO RESPECT THE RIGHTS AND RESPONSIBILITIES OF THE THREE POWERS. IN THIS CONNECTION WE ARE WELL AWARE OF THE FACT THAT THE THREE POWERS REPEATEDLY MADE AN EXPLICIT RESERVATION CONCERNING THE DELEGATION AS WELL AS THE RIGHTS OF THE BERLIN REPRESENTATION IN THE BUNDESTAG. BUT WHILE, DUE TO ALLIED RESERVATION, BERLIN'S INCLUSION IN THE AREA OF APPLICATION OF THE BASIC LAW HAS BEEN SUSPENDED, THE TREATIES CREATING THE EC HAVE BEEN EXTENDED TO BERLIN.

FINALLY, WE ARE PERFECTLY AWARE THAT IN TAKING A DECISION THE QUADRIpartite AGREEMENT CANNOT BE DISREGARDED AND THAT THE DECISION, ONCE IT HAS BEEN TAKEN, WILL HAVE TO BE DEFENDED AGAINST SOVIET PROTESTS, WHICH WE ARE BOUND TO RECEIVE. AMBASSADOR ABRASIMOV HAS ALREADY ADDRESSED THE PROBLEM, AS WE KNOW, DURING HIS LAST CONVERSATION WITH AMBASSADOR WORMSER (EMBASSY COMMENT: SEE REF B).
END TEXT.

3. REITERATING THE DESIRE FOR AN INFORMAL EXCHANGE OF VIEWS AS SOON AS POSSIBLE, LUECKING EMPHASIZED THE STRESS ON "INFORMAL." HE SAID HE PERSONALLY HAD STRONGLY DEFENDED THE POSITION OF NOT GOING INTO CONSULTATIONS WITH THE ALLIES WITH A "MAXIMALIST POSITION," ADDING IN CONFIDENCE THAT FOREIGN MINISTER GENSCHER HAD ALREADY RECEIVED A LETTER FROM CDU CHAIRMAN KOHL, DEMANDING THAT THE FRG PRESENT A DEMAND TO THE ALLIES THAT BERLINERS BE ALLOWED TO PARTICIPATE IN DIRECT ELECTIONS. THE GOVERNMENT WISHED, HE SAID, TO CONTINUE TO BE ABLE TO AUTHORIZE THE FEDERAL PRESS SPOKESMAN TO SAY THAT THE FRG HAD NOT ENTERED INTO "FORMAL CONSULTATIONS" WITH THE ALLIES. NOTING THE GOOD RECORD OF THE BONN GROUP ON LEAKS, LUECKING URGED THAT OUR INFORMAL CONSULTATIONS ON THIS SUBJECT BE TREATED CONFIDENTIALLY.

4. ASKED ABOUT THE TIMEFRAME WHICH THE FRG HAS IN MIND, LUECKING SAID THE FOREIGN MINISTER WOULD LIKE TO HAVE A DECISION BEFORE THE DECEMBER 1 MEETING OF THE EC COUNCIL.

HE SAID, IN RESPONSE TO ANOTHER QUESTION, THAT THE FRG
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HAD NOT YET REACHED A DECISION AS TO WHICH OF THE THREE
POSSIBLE ELECTION SYSTEMS -- A SINGLE NATIONAL LIST,
JOINT LISTS FOR THE INDIVIDUAL LAENDER, OR REGIONAL
LISTS -- IT WOULD USE. THE FRG WILL BE ENTITLED TO 71
REPRESENTATIVES IN THE EUROPEAN PARLIAMENT; USING THE
SAME CENSUS FIGURE WHICH PRODUCED THAT FIGURE, TWO OF
THOSE COULD COME FROM BERLIN.

COMMENT

5. WHILE BRITISH RELUCTANCE TO TAKE AN EARLY DECISION ON
DIRECT ELECTIONS (REF A) MAY SLOW DOWN THE COMMUNITY
DECISION-MAKING PROCESS, THE GERMANS ARE APPARENTLY
DETERMINED TO MOVE AHEAD WITH THEIR OWN NATIONAL PLANNING
IN ORDER TO MEET THE AGREED EC TIMETABLE. THE NEED FOR
AN ALLIED DECISION ON HOW BERLIN IS TO FIT INTO THE
PICTURE IS THEREFORE URGENT.

6. THE WAY IN WHICH THE GERMANS HAVE PUT THE QUESTION
TO US IS DISAPPOINTING. AS THEY HAVE BEEN STUDYING THE
PROBLEM FOR MONTHS, WE HAVE ALL ALONG ASSUMED THEY WOULD
PUT TO THE ALLIES THE BENEFIT OF THEIR STUDY AND THEIR
TENTATIVE CONCLUSIONS. THEIR INITIAL APPROACH OF
APPEARING TO LEAVE THE ENTIRE MATTER UP TO THE ALLIES IS
SOMEWHAT DISINGENUOUS; IF THE ALLIES GIVE THE WRONG
ANSWER, THERE WILL OBVIOUSLY BE POLITICAL FALLOUT. FROM
UNSUBSTANTIATED RUMOR, WE HAD UNDERSTOOD THAT A TOP-LEVEL
DECISION HAD ALREADY BEEN TAKEN THAT THE ALLIES SHOULD BE
ASKED TO AUTHORIZE THE BERLINERS TO PARTICIPATE IN DIRECT
ELECTIONS. THIS WOULD BE CONSISTENT WITH LUECKING'S
REMARK THAT HE HAD OPPOSED GOING TO THE ALLIES WITH A
"MAXIMALIST POSITION."

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7. IN NORMAL TIMES THE ISSUE, WHILE COMPLICATED ENOUGH, WOULD BE DECIDED ON THE BASIS OF OUR INTERPRETATION OF ALLIED RIGHTS AND RESPONSIBILITIES FOR BERLIN, INCLUDING THOSE UNDER THE QUADRIPARTITE AGREEMENT, AND WITHIN THE FRAMEWORK OF CONFLICTING PRESSURES FROM THE GERMANS AND THE SOVIETS. THE FRG ELECTION CAMPAIGN ADDS AN ADDITIONAL COMPLICATING FACTOR AT THIS PARTICULAR TIME, AS LUECKING'S REFERENCE TO THE KOHL LETTER MAKES CLEAR. IF IT WERE TO BECOME KNOWN THAT THE FRG HAD PRESENTED A DEMAND WHICH THE ALLIES HAD REJECTED, THIS WOULD BE CONFIDENTIAL

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CONTROVERSIAL BOTH FOR THE GOVERNMENT AND FOR THE ALLIES. IT MAY BE, THEREFORE, THAT THE GOVERNMENT HAS CONCLUDED IT WOULD BE BETTER TO ASCERTAIN THE DRIFT OF ALLIED THINKING BEFORE DETERMINING NEXT STEPS. WE WILL AIM EARLY ON IN THE CONSULTATION PROCESS TO GET A CLEARER IDEA OF HOW THE GERMANS HAVE ASSESSED THE LEGAL AND POLITICAL ASPECTS OF THE PROBLEM.

OPTIONS

8. IT APPEARS TO US THAT THERE ARE THREE POSSIBLE ANSWERS TO THE GERMAN QUESTION:

A. THAT BERLIN MAY NOT BE REPRESENTED AT ALL IN THE EUROPEAN PARLIAMENT;

B. THAT BERLINERS MAY BE REPRESENTED, BUT ONLY THROUGH AN INDIRECT SELECTION PROCESS SIMILAR TO THEIR REPRESENTATION TO THE BUNDESTAG; OR

C. THAT BERLIN REPRESENTATIVES MAY BE CHOSEN BY UNIVERSAL SUFFRAGE.

WITH REGARD TO OPTION (A), THE FRG PRESENTATION BEGINS WITH THE ASSUMPTION THAT BERLIN WILL BE REPRESENTED AND ONLY RAISES THE QUESTION OF HOW (BERLINERS ARE NORMALLY INCLUDED AT PRESENT IN THE BUNDESTAG DELEGATION TO STRASBOURG). WHILE WE COULD BACK UP BY QUESTIONING THAT ASSUMPTION, WE PRESUME THAT WASHINGTON, AS WELL AS THE BRITISH AND FRENCH, WILL AGREE THAT A WAY MUST BE FOUND FOR ALLOWING BERLIN REPRESENTATION TO CONTINUE. IF SO, THE REAL CHOICE IS BETWEEN OPTIONS (B) AND (C).

DISCUSSION

9. AS NOTED IN PREVIOUS REPORTING (REF E), THERE ARE ACTUALLY THREE COMPONENTS TO THE PROBLEM: (A) HOW BERLINERS ARE TO GET TO THE PARLIAMENT; (B) WHAT THEY ARE TO DO WHEN THEY GET THERE (WILL THEY HAVE FULL VOTING RIGHTS?); AND (C) HOW LEGISLATION OF THE EUROPEAN PARLIAMENT IS TO BE APPLIED TO BERLIN. THE ANSWER TO (B) WOULD SEEM TO BE OBVIOUS; WHILE THE ALLIES IN APPROVING

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THE FRG BASIC LAW PROHIBITED VOTING RIGHTS FOR BERLINERS IN BONN, WE HAVE NO HOLD OVER THE EC AND THERE PRESUMABLY WILL BE NO PROVISIONS IN EC RULES FOR A SECOND-CLASS OR NON-VOTING STATUS. QUESTION (C) WILL BECOME ACUTE ONLY IN THE FUTURE, WHEN THE POWERS OF THE EUROPEAN PARLIAMENT ARE EXPANDED. IT IS THUS ONLY THE FIRST QUESTION, HOW BERLINERS ARE TO BE CHOSEN, WHICH MUST BE FACED IMMEDIATELY. IN ANSWERING IT, HOWEVER, WE NEED TO BEAR IN MIND THAT WE WILL EVENTUALLY HAVE TO FACE THE THIRD PART OF THE PROBLEM AS WELL.

10. US INTERESTS. THE US POSITION WILL INVOLVE A BALANCING OF OUR GENERAL INTERESTS: PRESERVING THE VIABILITY OF BERLIN AS A NECESSARY ADJUNCT TO OUR LONG-

RANGE OCCUPATION RESPONSIBILITIES THERE; PREVENTING
BERLIN FROM BECOMING ONCE MORE A SERIOUS ISSUE IN EAST-
WEST RELATIONS; MAINTAINING SOLIDARITY WITH THE FRG ON
GERMANY AND BERLIN MATTERS, OR AT LEAST AVOIDING A
SERIOUS CONFLICT OF INTERESTS; AND SEEKING TO MAINTAIN
A UNITY OF VIEWPOINT WITH THE BRITISH AND FRENCH IN
CARRYING OUT OUR COLLECTIVE ROLE IN BERLIN.

11. THE SOVIET POSITION. WE MUST START WITH THE
PREMISE THAT, AS THE FRG HAS RECOGNIZED, THE SOVIETS WILL
PROTEST IF BERLINERS PARTICIPATE IN THE "NEW" EUROPEAN
PARLIAMENT. EVEN THOUGH THEY HAVE NOT, SO FAR AS WE
KNOW, PROTESTED THE FACT THAT BERLINERS ARE ALREADY
ATTENDING THE EUROPEAN PARLIAMENT, THE CHANGES IN THE
NATURE OF THE PARLIAMENT WHEN DIRECT ELECTIONS ARE
INSTITUTED ARE BOUND TO PROVIDE AN OCCASION FOR
COMPLAINTS. THESE WILL, OF COURSE, BE COUCHED IN TERMS

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OF WHATEVER ACTION IS BEING TAKEN VIS-A-VIS BERLIN REPRESENTATION. IN OUR VIEW, HOWEVER, THE SUBSTANCE OF THE SOVIET PROTEST WILL DEAL NOT SO MUCH WITH THE MODALITIES OF CHOOSING BERLIN REPRESENTATIVES AS WITH THE BASIC ISSUES RAISED IN THE JUNE 1975 PROTEST CONCERNING THE ESTABLISHMENT OF THE EC VOCATIONAL CENTER IN BERLIN (USBER 1160). ON THAT OCCASION, THE SOVIETS REJECTED THE ALLIED ASSERTION THAT INCLUSION OF WEST BERLIN IN THE AREA OF APPLICATION OF THE EC TREATIES WAS PART OF THE EXISTING SITUATION WHICH THE SOVIETS HAD APPROVED IN SIGNING THE QA AND SUGGESTED
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THAT THE QA IN FACT REQUIRED THAT BERLIN BE TAKEN OUT OF THE EC AREA.

12. GIVEN THIS ADMITTEDLY ARGUABLE ANALYSIS OF THE PROBABLE SOVIET REACTION, WE CONSIDER THAT THE ALLIED DECISION MUST BE MADE PRIMARILY ON THE BASIS OF OUR UNDERSTANDING OF OUR OBLIGATIONS AND RESPONSIBILITIES WITH REGARD TO BERLIN AND OF HOW THESE CAN BE SQUARED WITH THE QUADRIPARTITE AGREEMENT. WE WILL ATTEMPT IN TRIPARTITE DISCUSSION ON NOVEMBER 10 TO REACH AN ALLIED CONSENSUS ON SOME OF THESE ISSUES AND ON HOW BEST TO ENTER INTO THE CONSULTATIONS WITH THE GERMANS. THE FIRST ROUND OF THESE CONSULTATIONS IS SCHEDULED FOR NOVEMBER 12.
HILLENBRAND

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